

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X (ECF)  
BODO PARADY, as Special Administrator of the Estate of SABINA PARADI and BODO PARADY and MARY MOORE, individually, 07 CIV 3640 (JCF)

Magistrate Judge  
Francis-all purposes

Plaintiffs,

MICHAEL R. PHILLIPS,

**ORDER TO SHOW CAUSE**

Defendant,

-----X

Upon the reading and filing of the affirmation of MICHAEL V. KAPLEN, ESQ., duly affirmed to on the 5<sup>th</sup> day of September 2008 and the exhibits annexed thereto and upon all the pleadings and proceedings had heretofore herein, and sufficient cause appearing therefore, it is hereby

ORDERED that the defendant MICHAEL R. PHILLIPS, and the following medical providers, health care providers, health insurers and/or other creditors of the Estate of SABINA PARADI:

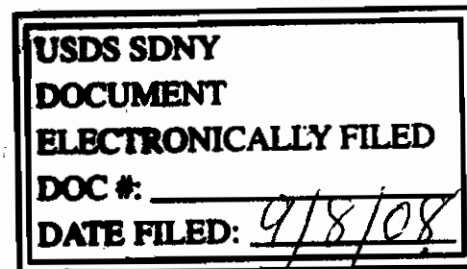
American Medical Response  
520 S. Main Street, Suite 2422  
Akron, OH 44311

Columbia University Radiologists  
PO Box 29737  
New York, NY 10087

Columbia University Medicine  
Medicine Sub-Specialties  
PO Box 10209  
Newark, NJ 07193

New York Epilepsy & Neurology, PLLC  
18 East 41 Street, Suite 1203  
New York, NY 10017

SallieMae  
PO Box 9500



US Dept of Education  
PO Box 530260  
Atlanta, GA 30353

Adult EKG Group  
GPO Box 27050  
New York, NY 10087

Columbia Presbyterian Hospital  
Dept of Medicine  
Clinical Revenue Office  
Parker Plaza  
400 Kelby Street  
Fort Lee, NJ 07024

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Department of Neurology  
PO Box 29784  
New York, NY 10087

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Rehabilitation Medicine  
GPO Box 29986  
New York, NY 10087

Eastside Orthotics & Prosthetics  
34 Commerce Drive, Suite 200  
Riverhead, NY 11901

Gagliardi Smith & Tietjen, MD  
36 Seventh Avenue  
Suite 512  
New York, NY 10011

Greenbaum Wagner, MD  
222 West 14<sup>th</sup> Street  
New York, NY 10011

Moon Hi Lee, MD  
PO Box 29228  
Pathology Dept  
New York, NY 10087

Medical Assoc Group  
St Vincent's Hospital  
PO Box 6074

New York Presbyterian Hospital  
622 West 168 Street  
New York, NY 10032

New York Presbyterian Hospital  
2020 Lindell Avenue  
Nashville, TN 37203

Village Park Medical, PC  
31 Washington Sq West  
New York, NY 10011

Bank of America  
PO Box 15713  
Wilmington, DE 19886

Errol Gordon, MD  
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New York, NY 10032

Manhattan Neurosurgical Associates  
170 W 12 Street  
New York, NY 10011

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PO Box 32454  
Hartford, CT 06150

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Helen Hayes Hospital  
Route 9W  
East Haverstraw, NY 10993

FDNY/EMS  
PO Box 1248  
Americus, GA 31709

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31 Washington Sq W # 4  
New York, NY 10011

Jeffrey H. Newhouse, M.D.  
Columbia Presbyterian Hospital  
177 Fort Washington Ave #3-250  
New York, NY 10032

John H. Austin, M.D.  
Milstein Hospital  
177 Fort Washington Ave # 124  
New York, NY 10032

Charles M Carpati, MD  
222 West 14<sup>th</sup> Street  
New York, NY 10011

Linda A Kirschenbaum, DO  
222 West 14<sup>th</sup> Street  
New York, NY 10011

Blue Cross/Blue Shield  
15 Metrotech Center  
Brooklyn, NY 11201

Meridian Resource Company, Recovery Services  
20725 Watertown Road  
Waukesha, WI 53186

SHOW CAUSE before this Court on the 17<sup>th</sup> day of September 2008 at  
9:30 o'clock in the forenoon thereof, or as soon thereafter as counsel may be  
heard, why an Order should not be issued herein:

1) Extinguishing the rights of any creditor listed in the NOTICE OF

ADMINISTRATION OF THE ESTATE OF SABINA PARADI (exhibit "K") by virtue of their failure to comply with the notice and filing requirements of CALIFORNIA PROBATE CODE §9100 and/or the failure to timely commence a lawsuit pursuant to CALIFORNIA CODE OF CIVIL PROCEDURE §366.2

2) In the event that this Court determines that the rights of the Creditors listed in aforesaid Notice to Creditors are not extinguished, then allowing and permitting plaintiffs to amend their pre trial order to assert these damages as part of the trial of the within action (exhibits "F", "G" and "H");

3) In the event that this Court determines that the purported rights of EMPIRE BLUE CROSS/BLUE SHIELD are not extinguished by virtue of the failure to timely file a claim pursuant to CALIFORNIA PROBATE CODE §9100 and /or timely file suit against the ESTATE OF SABINA PARADI pursuant to CALIFORNIA CODE OF CIVIL PROCEDURE §366.2 then to extinguish the purported right of subrogation and/or lien interest asserted by EMPIRE BLUE CROSS/BLUE SHIELD through their recovery representative, MERIDIAN RESOURCE COMPANY, LLC for payments made for medical hospital and other care rendered to SABINA PARADI pursuant to NEW YORK CPLR §4545 and/or pursuant to PERREIRA V. REDIGER T/A, 169 N.J. 399, 778 A2nd 429;

4) In the alternative, allowing and permitting plaintiffs to amend the Pre-Trial Order in this case to seek damages for the medical, hospital and other expenses paid by BLUE CROSS/BLUE SHIELD on behalf of SABINA PARADI.

of this Order to Show Cause and all of the papers on which it is based be served upon: JAMES BUTLER, ESQ. attorney for defendant MICHAEL PHILLIPS at his offices located at 591 Summit Avenue, Jersey City, New Jersey 07306 and upon RICHARD W. WEDINGER, ESQ., Barry, McTiernan & Wedinger, personal counsel for defendant PHILLIPS at his offices located at 1024 Amboy Avenue, Edison, New Jersey 08837 by US Postal Service, next day delivery on or before the <sup>10<sup>th</sup></sup> day of September 2008 be deemed good and sufficient service and upon each of the creditors listed in exhibit "K" at the address listed on the Notice to

Creditors to wit:

American Medical Response  
520 S. Main Street, Suite 2422  
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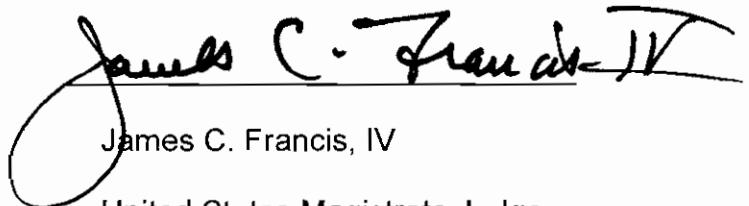
Meridian Resource Company, Recovery Services  
20725 Watertown Road  
Waukesha, WI 53186

all by US Postal Service, next day delivery on or before the <sup>9th</sup>10 day of September

2008 be deemed good and sufficient service thereof.

DATED: New York, New York

September 8 2008

  
James C. Francis, IV  
United States Magistrate Judge